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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,201	12/01/2003	Aaharon Yaffe	U 014920-2	9822

140 7590 07/14/2004

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EXAMINER

VASUDEVA, AJAY

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,201	Applicant(s) YAFFE, AAHARON	
	Examiner Ajay Vasudeva	Art Unit 3617	<i>NW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 27-38 and 42-50 is/are rejected.
- 7) ☐ Claim(s) 18-26 and 39-41 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

1. Certain foreign references and non-patent publications listed in applicant's IDS have been crossed out because such are not available for review in the IFW system (which is the electronic image of the scanned documents in the application).

Although the problem appears to have originated during the scanning process of the application by the PTO, the Examiner has been unable to retrieve such documents from alternative sources. Therefore, the crossed out references have not been considered.

Applicant is requested to resubmit the discussed references, and list the same on a new form 1449. Any inconvenience is regretted.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-14, 17, 28-34, 38 and 43-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claims 1, 17, 28, 38, 43, 45, 47 and 49, applicant claims an apparatus or a method of a selective filling of sea water enclosures in order to cause expulsion of fresh water/light liquid against the force of gravity. However, there is no explanation of a mechanism as to how such selectively filling of sea water enclosures is achieved, and therefore, one skilled in the art will be unable to make and/or use the invention as envisaged by the applicant.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 15 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Denis et al.

Denis et al. shows a sea transport apparatus, having a first flexible enclosure [1] and including a plurality of mutually spaced cross-section defining assemblies [8]. A plurality of second flexible enclosures [6] are disposed within the first enclosure (col. 4, lines 3-4) and are disposed intermediate adjacent pairs of the cross-section defining assemblies (see fig. 4).

Although Denis et al. does not specifically disclose the second enclosures as containing sea water, applicant may note the plurality of second enclosures are considered capable of containing sea water and therefore meet the limitation of the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1, 14, 28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP (0030900 A1).

EP ('900) shows an apparatus for sea transportation of dissimilar liquids in a single hold of a ship. A first liquid-accommodating enclosure [4] is provided with an opening [5]. A plurality of second liquid-accommodating enclosures [6, 7, 8] are disposed within the first enclosure, each having an opening [9, 10, 11], respectively.

Although none of the enclosure openings are shown as comprising valves, the Examiner takes Official Notice that provision of such valves with the liquid-accommodating tanks is old and well known in the art. It would have been obvious for one skilled in the art to have provided valves with each enclosure of the apparatus of EP ('900) because it would have allowed one to easily and quickly regulate the loading and unloading of liquids in the enclosures.

Further, although EP ('900) does not specifically disclose the first enclosure as containing fresh water or the second enclosures as containing sea water, applicant may note that storage of fresh water in the first enclosure and the sea water in the second enclosures is merely an intended use of the apparatus, and that the respective enclosures are capable of functioning as such. Therefore, the first enclosure is considered capable of containing fresh water, and the plurality of second enclosures are considered capable of containing sea water. The plurality of second enclosures, when filled with sea water, would force the fresh water out of the first enclosure.

8. Claims 16, 17, 27, 37, 38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denis et al.

Denis et al. shows a sea transport apparatus having first and second enclosures with openings (col. 5, lines 55-56), as above.

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Denis et al. does not show the enclosure openings comprising valves.

As described above, the Examiner takes Official Notice that provision of valves with the fluid-accommodating tanks is old and well known in the art. It would have been obvious for one skilled in the art to have provided valves with each enclosure of the apparatus of Denis et al. for the reason described above in item # 7 of this Office Action. It is further noted that inflation of the second enclosures would cause at least partial evacuation of the contents of the first enclosure when the valve of the first enclosure is opened.

9. Claims 1, 2, 14-17, 27-29 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB ('668) in view of EP ('900).

GB ('668) shows an apparatus for sea transportation of liquids, having a first flexible enclosure.

GB ('668) is silent on the provision of a plurality of second flexible enclosures disposed within the first flexible enclosure.

EP ('900) shows an apparatus for sea transportation of dissimilar liquids in a single hold of a ship, having a plurality of liquid-accommodating enclosures [6, 7, 8] disposed within a first enclosure, each having an opening [9, 10, 11], respectively.

It would have been obvious for one skilled in the art at the time of the invention to have modified the hull of GB ('668) by providing a plurality of liquid-accommodating enclosures disposed within the main flexible enclosure. Making such modification would have been

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advantageous as it would have allowed transportation of dissimilar liquids in single a single hull, thereby increasing the operational profitability.

The Examiner takes official notice that provision of valves with the fluid-accommodating tanks is old and well known in the art. It would have been obvious for one skilled in the art to have provided valves with each enclosure of the apparatus of GB ('668), as modified above, for the reason described above in item # 7 of this Office Action. It is further noted that inflation of the second enclosures would cause at least partial evacuation of the contents of the first enclosure when the valve of the first enclosure is opened.

Further, although modified GB ('668) does not specifically disclose the main flexible enclosure as containing fresh water or the second enclosures as containing sea water, applicant may note that storage of fresh water in the main flexible enclosure and the sea water in the second enclosures is merely an intended use of the apparatus, and that the respective enclosures are capable of functioning as such. Therefore, the first enclosure is considered capable of containing fresh water, and the plurality of second enclosures are considered capable of containing sea water. The plurality of second enclosures, when filled with sea water, would force the fresh water out of the first enclosure.

Allowable Subject Matter

10. Claims 18-26 and 39-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 43-50 would be allowable if the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action are overcome.

12. Claims 3-13 and 30-34 would be allowable if:

- the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action are overcome, and
- the claims are rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Fuquan, Hirose, Strain, Boudin, Capdevielle et al., Renoux, Hamilton, Roberts, Doerpinghaus, Stevens, Snoddy, Scott, Mumford, Japan (292), Soviet Union (891), France (458), Britain (138), Britain (984), Britain (229), Australia (671), France (020) as also cited in the parent application 10/351,966, and JP (177), JP (685), JP (880), JP (881), JP (080), JP (280), JP (376), JP (384), JP (488), JP (313) and JP (616) show apparatus for transporting fluids and having flexible enclosures.

14. Applicant is reminded that any amendment filed in response to this Office action will be carefully reviewed for double patenting with respect to the pending parent application, as well as applicant's previously issued patents. Therefore, in order to expedite the prosecution of the application, the applicant is advised to give careful consideration to potential double patenting issue prior to submitting any future amendment.


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay Vasudeva whose telephone number is (703) 306-5992. The examiner can normally be reached on Monday-Friday 1:00 pm--5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AV

Ajay Vasudeva
Examiner
Art Unit 3617


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